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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/941,377 | 08/28/2001 | Frederick M. Abbas | ABF 0104 PUS | 6060 |

22045 7590 01/06/2004

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EXAMINER

HWU, DAVIS D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3752

DATE MAILED: 01/06/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,377

Applicant(s)

ABBAS ET AL. *h.c*

Examiner

Davis Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Respons to Amendment

1. Applicant's amendment of December 11, 2003 is acknowledged and entered as paper number 8.
2. Applicant's amendment and remarks have been fully considered. The status of the claims are as follows.
3. All appropriate 35 USC paragraphs can be found in the office action of October 8, 2003.

Claim Rejections - 35 USC § 103

4. Claim 1-6, 11-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. in view of Konietzki.

The patent to Cox et al. discloses an apparatus for dispensing a liquid-gas foam string of encapsulated plastic resin (Column 2, lines 48-53), the string including a chemical composition; and a dispenser for dispensing the string from the can toward a target, the string being dispensed far enough away from the can so that the user does not substantially contaminate an area around the target. The foam string comprises a liquid-gas foam string as recited in claim 4. Cox et al. do not disclose a scent for a hunter to hunt animals. The patent to Konietzki teaches a scent propagation device for luring animals for a hunter, the device comprising a scented string 21 for attracting animals. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Cox et al. by providing an animal attracting scent to the foam string of Cox et al. and using the device to lure animals for hunting as taught by Konietzki. Since the foam string of Cox et al. and Konietzki can be

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propelled a distance from the user (Column 2, lines 36-37 of Cox et al), the distance will be sufficient to avoid an ambient environment contaminated by human scent. The device of Cox et al. and Konietzki is fully capable of carrying out the methods as recited in claim 2. Regarding claim 16, one of ordinary skill in the art would obviously know to make the foam string sufficiently strong as recited in order to prolong the life of the foam string and save on cost and material.

5. Claims 7-10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. in view of Konietzki as applied to claim 1 above, and further in view of Easley. Cox et al. and Konietzki do not disclose the chemical compositions as recited in claim 7-10. The patent to Easley teaches a dispensing device used by hunters in which the device emits a chemical composition comprising urine of an animal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used in the device of Cox et al. and Konietzki urine of an animal as taught by Easley as an effective attractant.

Allowable Subject Matter

6. Claim 15 is allowable over the prior art.

Response to Arguments

7. Applicant's remarks filed December 11, 2003 have been fully considered but they are not persuasive. Since the foam string of Cox et al. and Konietzki can be propelled a distance from the user (Column 2, lines 36-37 of Cox et al), the distance will be sufficient to avoid an ambient environment contaminated by human scent.

Conclusion

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu